

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

HOLLY L. MCCABE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:24-cv-00031 SEP
)	
LELAND DUDEK, ¹)	
Acting Commissioner of Social Security,)	
)	
)	
Defendant.)	

MEMORANDUM AND ORDER

Before the Court is Defendant Acting Commissioner Michelle King's Motion to Reverse and Remand the case to the Acting Commissioner for further administrative action pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). Doc. [9].

Plaintiff does not oppose the motion. Doc. [19]

Plaintiff filed a Complaint seeking review of the ALJ's decision that she was not under a disability within the meaning of the Social Security Act. Doc. [1]. Defendant answered and filed the transcript of the administrative proceedings. Doc. [8]. Plaintiff filed a brief in support of the Complaint. Doc. [17].

Defendant did not file a response to Plaintiff's brief, but instead filed the instant Motion to Reverse and Remand the case for further action under sentence four of section 205(g) of the Social Security Act, which permits the Court "to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing." 42 U.S.C. § 405(g). Defendant represents in the motion that, upon review of the record, agency counsel determined that remand was necessary in order to allow the ALJ to further evaluate the severity of Plaintiff's impairments.

Upon review of Plaintiff's brief, the ALJ's decision, and the Acting Commissioner's motion, the Court agrees that this case should be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g).

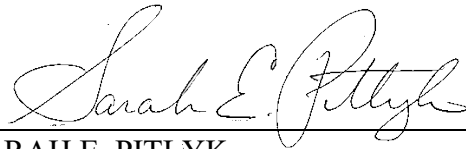
Accordingly,

¹ Leland Dudek became Acting Commissioner for the SSA in February 2025. Pursuant to Federal Rule of Civil Procedure 15(d), Dudek is substituted as Defendant in this suit. See 42 U.S.C. § 405(g).

IT IS HEREBY ORDERED that the Motion to Reverse and Remand, Doc. [18], is **GRANTED**.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the decision of the Commissioner of Social Security is **REVERSED** and this case is **REMANDED** under sentence four of 42 U.S.C. § 405(g) for reconsideration and further proceedings consistent with this opinion.

Dated this 21st day of February, 2025.

A handwritten signature in cursive script, reading "Sarah E. Pitlyk", written in black ink. The signature is positioned above a horizontal line.

SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE